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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,574	02/05/2002	Christopher James Brown	02-440	8161

34704 7590 10/19/2005

BACHMAN & LAPOINTE, P.C.  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510

EXAMINER
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ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 15

**MAILED**

NOV 18 2003

**GROUP 3600**

Application Number: 10/068,574

Filing Date: 2/5/2002

Appellant(s): BROWN et al.

This is in response to the appeal brief filed Sept 2, 2003.

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Barry Kelmacher

For Appellant

Art Unit: 3643

**EXAMINER'S ANSWER**

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 21, 22, 23, 24, 27, 28, 29, 30, 31 do not stand or fall together and provides

Art Unit: 3643

reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Appellant's brief includes a statement that claims 25, 26 stand or fall together with claim 21 and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Appellant's brief includes a statement that claims 32, 33 stand or fall together with claim 30 and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

3029541	Palmer	4/1962
3707798	Tryon	1/1973

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 21-26, 28-29 are rejected under 35 U.S.C. over Tryon. This rejection is set forth in prior Office Action, Paper No. 8.

Claims 27, 30-33 are rejected under 35 U.S.C. 103 over Tryon in view of Palmer. This rejection is set forth in prior Office Action, Paper No. 8.

Art Unit: 3643

*(11) Response to Argument*

Applicant argues that no reference is cited which shows non-adhesively incorporating the photograph containing animal features into the main body. Tryon incorporates animal features into the main body by adhesively mounting the photos to wings and body. The photos could be mounted by other means such as tacks, nails, clamps, paper clips, rivets, hook and loop fasteners, to name a few common ways to mount the photo to the main body. Why would one be motivated to do this. Namely, if one did not have any adhesive, no stores were open and one wanted to go hunting for ducks or geese, then any of the above old and well known attachment means could be used to attach the photos to the main body. In reference to claim 22, screen printing is old and well known, it would have been obvious to employ any common printing process. In reference to claim 23, the materials used by Tryon are inherently flexible such as wood and plastic. As to claim 27, one skilled in the art would combine the patents to Tryon and Palmer to provide Tryon with a knockdown decoy as shown by Palmer so that the decoy could be transported in a smaller package. In reference to claim 30, the advantage of Tryon would not be lost once the photograph is adhesively attached to the head portion and body portion since one skilled in the art would mount a separate photograph of a decoy on the head portion of Palmer. In reference to claim 31, applicant argues that neither patent teaches a kit having a plurality of heads. However, given one head it would have been obvious to employ a multiplicity of heads so that if a

Art Unit: 3643

head is lost another can be fitted and also to give the decoy more usable features such as a head in different positions such as sentinel and feeding.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kurt Rowan



November 17, 2003

Conferees

DA DA

PP

